UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,632	04/04/2000	Bryan J. Moles	SAMS01-00102	5791

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DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-20_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _09 December 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 2, 5-7, 11, and 12 rejected under 35 U.S.C. 103(a) as being

unpatentable over Chang et al. (US 6,223,028) in view of Hoffman (US 6,622,017).

Referring to Claim 1, Chang teaches a wireless network comprising a plurality of

base stations 12a-12n (fig. 1), each of said base stations capable of communicating

with a plurality of mobile stations 13a-13e (fig. 1), a service provisioning system 15 (fig.

1) capable of provisioning a first one of said plurality of mobile stations comprising:

a database capable of storing a service provisioning file comprising a mobile

station service provisioning program in interpreted byte-code format (see col. 4, lines

34-39 and Table 1); and

a provisioning controller 16 (fig. 1) coupled to said database capable of receiving

a notification indicating that first mobile station is unprovisioned (see col. 2, lines 61-64).

Chang does not teach retrieving said service provisioning file from said database and

transmitting said service provisioning file to said first mobile station, wherein receipt of

said service provisioning file causes said first mobile station to automatically execute

said mobile station service provisioning program in said service provisioning file,

execution of said mobile station service provisioning program automatically provisioning

said first mobile station without further interaction from a service operator. Hoffman teaches retrieving said service provisioning file from said database (see col. 16, lines 38-40) and transmitting said service provisioning file to said first mobile station (see col. 16, lines 41-45), wherein receipt of said service provisioning file causes said first mobile station to automatically execute said mobile station service provisioning program in said service provisioning file, execution of said mobile station service provisioning program automatically provisioning said first mobile station without further interaction from a service operator (see col. 16, lines 46-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Hoffman to said device of Chang in order to better prevent unauthorized users of mobile units from gaining illegal access to wireless servers.

Referring to Claim 6, Chang teaches a mobile station 13a-13e (fig. 1) capable of being provisioned from a wireless network by an over-the-air (OTA) service provisioning process (see ABSTRACT), said mobile station comprising:

an RF transceiver 12a-12n (fig. 1) capable of receiving and demodulating forward channel messages from said wireless network and further capable of modulating and transmitting reverse channel messages to said wireless network; and

a main controller 16 (fig. 1) capable of receiving said demodulated forward channel messages from said RF transceiver and extracting therefrom a service provisioning file containing a mobile station service provisioning program in interpreted byte-code format (see col. 4, lines 34-39 and Table 1).

Chang does not teach said main controller, in response to receipt of said service provisioning file, being capable of interpreting and executing said mobile station service provisioning program, execution of said mobile station service provisioning program automatically provisioning said mobile station without further interaction from a service operator. Hoffman teaches said main controller, in response to receipt of said service provisioning file, being capable of interpreting and executing said mobile station service provisioning program (see col. 16, lines 38-45), execution of said mobile station service provisioning program automatically provisioning said mobile station without further interaction from a service operator (see col. 16, lines 46-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Hoffman to said device of Chang in order to better prevent unauthorized users of mobile units from gaining illegal access to wireless servers.

Referring to Claim 11, Chang teaches a wireless network comprising a plurality of base stations 12a-12n (fig. 1), each of said base stations capable of communicating with a plurality of mobile stations 13a-13e (fig. 1), a method of provisioning a first one of the plurality of mobile stations comprising the steps of:

storing in a database a service provisioning file comprising a mobile station service provisioning program in interpreted byte-code format (see col. 4, lines 34-39 and Table 1); and

determining whether the first mobile station is provisioned (see col. 2, lines 57-61).

Chang does not teach that in response to a determination that the mobile station is unprovisioned, retrieving the service provisioning file from said database, transmitting the service provisioning file to the first mobile station, wherein receipt of the service provisioning file causes the first mobile station to automatically execute the mobile station service provisioning program in the service provisioning file, execution of the mobile station service provisioning program automatically provisioning said first mobile station without further interaction from a service operator. Hoffman teaches that in response to a determination that the mobile station is unprovisioned, retrieving the service provisioning file from said database (see col. 16, lines 38-40), transmitting the service provisioning file to the first mobile station (see col. 16, lines 41-45), wherein receipt of the service provisioning file causes the mobile station to automatically execute the first mobile station service provisioning program in the service provisioning file, execution of the mobile station service provisioning program automatically provisioning said first mobile station without further interaction from a service operator (see col. 16, lines 46-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Hoffman to said device of Chang in order to better prevent unauthorized users of mobile units from gaining illegal access to wireless servers.

Referring to Claims 2, 7, and 12, Chang also teaches provisioning data used to configure the first mobile station to communicate with the wireless network (see col. 4, lines 53-67).

Referring to Claim 5, Chang also teaches a security apparatus capable of determining that said first mobile station is unprovisioned and, in response to said determination, generating and transmitting said notification to said provisioning controller (according to what is stated in col. 2, lines 54-64, a response from the mobile station is what determines the unprovisioned state in said mobile station).

3.   Claims 10, 16, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang and Hoffman in view of Vucetic et al. (US 5,819,177).

Referring to Claim 16, Chang teaches a method of performing an over-the-air (OTA) service provisioning of a mobile station from a wireless network (see ABSTRACT) comprising the steps of:

receiving and demodulating forward channel messages from the wireless network (see 12a-12n in fig. 1);

extracting from the demodulated forward channel messages a service provisioning file containing a mobile station service provisioning program in interpreted byte-code format (see col. 4, lines 34-39 and Table 1); and

interpreting and executing said mobile station service provisioning program (see col. 8, lines 1-9).

Chang does not teach said mobile station service provisioning program comprising a graphical user interface (GUI) program capable of interacting with a user of the mobile station during the OTA service provisioning process. Vucetic teaches said mobile station service provisioning program comprising a graphical user interface (GUI)

program capable of interacting with a user of the mobile station during the OTA service

provisioning process (see col. 7, lines 59-64). Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to provide the

teachings of Vucetic to said method of Chang in order to better ensure proper

provisioning of said mobile station.

The combination of Chang and Vucetic does not teach the execution of said mobile

station service provisioning program automatically provisioning said mobile station

without further interaction from a service operator.

Hoffman teaches the execution of said mobile station service provisioning program

automatically provisioning said mobile station without further interaction from a service

operator (see col. 16, lines 40-48). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to provide the teachings of

Hoffman to said device of Chang in order to better prevent unauthorized users of mobile

units from gaining illegal access to wireless servers.

Referring to Claim 17, Chang also teaches provisioning data used to configure

the mobile station to communicate with the wireless network (see col. 4, lines 53-67).

Referring to Claim 10, the combination of Chang and Hoffman does not teach

said mobile station service provisioning program comprising a graphical user interface

(GUI) program capable of interacting with a user of the mobile station during the OTA

service provisioning process. Vucetic teaches said mobile station service provisioning

program comprising a graphical user interface (GUI) program capable of interacting with

a user of the mobile station during the OTA service provisioning process (see col. 7,

lines 59-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Vucetic to said method of Chang in order to better ensure proper provisioning of said mobile station.

Referring to Claim 20, Vucetic also teaches deleting the service provisioning file from a memory in the mobile station at an end of the service provisioning process (see col. 7, lines 1-4).

4.   Claims 3, 4, 8, 9, 13-15, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang, Hoffman, and Vucetic in view of Weber et al. (US 6,314,282).

Referring to Claim 3 and 8, the combination of Chang and Hoffman does not teach a stale code generated by said provisioning controller. Weber teaches a stale code generated by said provisioning controller, said stale code indicating a time duration since said service provisioning file was transmitted to said first mobile station (see col. 9, lines 37-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Weber to said network of Chang in order to reduce error in the mobile station provisioning process.

Referring to Claims 4 and 9, Weber also teaches said mobile station transmitting said stale code back to said provisioning controller and wherein said provisioning controller prevents said first mobile station from being provisioned if said time duration exceeds a predetermined maximum threshold (see col. 9, lines 40-43).

Referring to Claims 13 and 18, the combination of Chang, Hoffman, and Vucetic does not teach generating a stale code and transmitting the stale code to the first

mobile station, the stale code indicating a time at which the service provisioning file was transmitted to the first mobile station. Weber teaches generating a stale code and transmitting the stale code to the first mobile station, the stale code indicating a time at which the service provisioning file was transmitted to the first mobile station (see col. 9, lines 54-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Weber to said network of Chang in order to reduce error in the mobile station provisioning process.

Referring to Claims 14 and 19, Weber also teaches receiving from the mobile station a copy of the stale code transmitted back to the wireless network and determining a time duration since the service provisioning file was transmitted to the first mobile station (see col. 9, lines 37-40 and lines 50-53).

Referring to Claim 15, Weber also teaches determining if the time duration exceeds a predetermined maximum threshold and preventing the first mobile station from being provisioned if the time duration exceeds the predetermined maximum threshold (see col. 9, lines 40-43).

Response to Arguments

5.   Applicant's arguments filed 10/8/2004 have been fully considered but they are not persuasive.

The applicant argues that the combination of the Chang and Hoffman references does not teach a service provisioning system in which a mobile station automatically executes a mobile station service provisioning program in interpreted byte-code format.

The examiner disagrees. First of all, the term "interpreted byte-code format" is defined by the examiner as any information that contains bits. No other detail in the claim teaches otherwise. The cited passage in the Chang reference teaches transmitted parameters and messages that contain bits. Therefore, the Chang reference is believed by the examiner to teach a service provisioning file comprising a mobile station service provisioning program in interpreted byte-code format. Second of all, regarding the limitations of:

"....the receipt of said service provisioning file causes said first mobile station to automatically execute said mobile station service provisioning program in said service provisioning file, execution of said mobile station service provisioning program automatically provisioning said first mobile station without further interaction from a service operator.",

Claim 1 of the Hoffman reference is believed by the examiner to read straight on the above limitations. The "executable program module" is similar to the "service provisioning file", and the lines in the Hoffman reference which read "...to enable toe one wireless communication terminal to implement the selected feature; and automatically provisioning at least one element...." clearly read on the rest of the limitations of the above limitations. In addition, it is known that the information transmitted in the Hoffman reference contain bits and there is no other detail in the claim which suggests that plug-in software modules and API specifications differentiate from the claimed invention.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Eugene Yun whose telephone number is (703) 305-

2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vivian Chin can be reached on (703) 308-6739. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Eugene Yun
Examiner
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